

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America
 v.
 Faustino Vidal-Mendez
 a.k.a. Faustino Vidal-Martinez,
 A #087 528 250

Case No.

22-5049MT

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the dates alleged in Attachment A, in the District of Arizona, the defendant violated Title 8, United States Code, Section 1326(a), a felony, and Title 8, United States Code, Section 1325(a)(1), a class B misdemeanor, offenses described as follows:

See Attachment A Incorporated By Reference Herein

I further state that I am a Border Patrol Agent with U.S. Customs and Border Protection.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CHARLES BAILEY

Digitally signed by CHARLES BAILEY
Date: 2022.02.08 09:18:38 -07'00'

AUTHORIZED BY: Charles E. Bailey Jr., P.S. for AUSA W. Vinnie Lichvar

☒ Continued on the attached sheet.

SHANE R
PETERSON

Digitally signed by SHANE R
PETERSON
Date: 2022.02.08 10:01:02 -07'00'

Complainant's signature

Shane R. Peterson
United States Border Patrol Agent

Printed name and title

Sworn to telephonically.

Date: February 8, 2022

11:46am

Deborah M. Fine

Judge's signature

City and state: Phoenix, Arizona

Deborah M. Fine
United States Magistrate Judge

Printed name and title

ATTACHMENT A

Count 1

On or about February 7, 2022, Faustino Vidal-Mendez, an alien, was found in the United States at or near Casa Grande in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about January 12, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission to the United States, in violation of Title 8, United States Code, Section 1326(a), a Class E felony.

Count 2

On or about February 2, 2022, at or near Lukeville, in the District of Arizona, Faustino Vidal-Mendez, an alien, did knowingly and voluntarily enter the United States at a time and place other than as designated by Immigration Officers of the United States, in violation of Title 8, United States Code, Section 1325(a)(1), a Class B misdemeanor.

STATEMENT OF PROBABLE CAUSE

I, Shane R. Peterson, being duly sworn, hereby depose and state as follows:

1. I am a United States Border Patrol Agent. I have learned the facts recited herein from direct participation in the investigation and from the reports and communications of other agents and officers.
2. On February 7, 2022, an individual was apprehended by Border Patrol agents near Casa Grande, in Pinal County, in the District of Arizona. The agent performed an immigration inspection on the individual, later identified as Faustino Vidal-Mendez, who admitted to being a citizen and national of Mexico, unlawfully present in the United States. Vidal-Mendez was transported to the Casa Grande Border Patrol Station for further processing. Vidal-Mendez was held in administrative custody until his identity could be confirmed and his immigration and criminal history could be obtained.
3. Immigration history checks revealed Faustino Vidal-Mendez to be a citizen of Mexico and a previously deported alien. Vidal-Mendez was removed from the United States to Mexico, through Del Rio, Texas, on or about January 12, 2011, pursuant to a final order of removal issued by an immigration Judge. There is no record of Faustino Vidal-Mendez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal.
4. Furthermore, there is no record of Faustino Vidal-Mendez in any Department of

Homeland Security database to suggest that after his last removal from the United States he entered the United States at an official Port of Entry. Had Vidal-Mendez presented himself at a Port of Entry, Department of Homeland Security records likely would reveal that information. Accordingly, your affiant believes that Vidal-Mendez unlawfully entered the United States at a time or place other than as designated by Immigration Officers of the United States of America. Vidal-Mendez's immigration history was matched to him by electronic fingerprint comparison.

5. On or about February 8, 2022, Faustino Vidal-Mendez was advised of his constitutional rights. Vidal-Mendez freely and willingly acknowledged his rights and agreed to provide a statement under oath. Vidal-Mendez stated that his true and complete name is Faustino Vidal-Mendez and that he is a citizen of Mexico and of no other country. Vidal-Mendez also stated that he illegally entered the United States near Lukeville, Arizona, on or about February 2, 2022, without inspection by an immigration officer. Vidal-Mendez further stated that he previously had been removed from the United States to Mexico and did not receive permission from the Secretary of the Department of Homeland Security to re-enter the United States after his removal.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about February 7, 2022, Faustino Vidal-Mendez, an alien, was found in the United States at or near Casa Grande, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Del Rio, Texas, on or about January 12, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for

admission to the United States, in violation of Title 8, United States Code, Section 1326(a), and that on or about February 2, 2022, at or near Lukeville, in the District of Arizona, Faustino Vidal-Mendez, an alien, unlawfully entered the United States at a time or place other than as designated by Immigration Officers of the United States, in violation of Title 8, United States Code, Section 1325(a)(1).

7. This affidavit was sworn to telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I have thoroughly reviewed the affidavit and the attachments to it, and attest that there is sufficient evidence to establish probable cause that the defendant violated Title 8, United States Code, Section 1326(a), and Title 8, United States Code, Section 1325(a)(1).

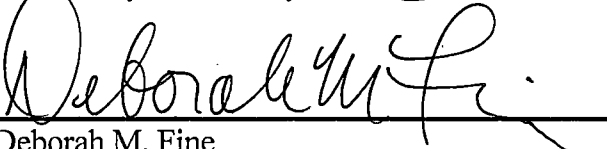
SHANE R
PETERSON

Digitally signed by SHANE R
PETERSON
Date: 2022.02.08 10:01:27
-07'00'

Shane R. Peterson,
United States Border Patrol Agent

Sworn to telephonically
this 8th day of February, 2022

11:46 am



Deborah M. Fine
United States Magistrate Judge